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Federal Defender  
LINDA HARTER, Bar # 179741  
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Attorney for Defendant  
XAVIER RASHAWN HERNDON

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR-S-04-043 FCD
	)	
Plaintiff,	)	
	)	STIPULATION AND ORDER
v.	)	
	)	
XAVIER RASHAWN HERNDON,	)	Date: June 13, 2005
	)	Time: 9:30 A.M.
	)	
	)	Judge: Hon. Frank C. Damrell
Defendant.	)	

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It is hereby stipulated between the parties, William Wong, Assistant United States Attorney, attorney for Plaintiff, and Linda Harter, attorney for defendant XAVIER RASHAWN HERNDON as follows:

It is agreed that the current Status Conference set for June 14, 2005, be vacated, and that a status conference date of June 20, 2005 at 9:30 a.m. be set. The Time is excluded pursuant to U.S.C. §3161(h)(8)(A).

Defense counsel has not received the written plea offer in this case as of this date. Defense counsel needs the additional time to received and review with the defendant the plea agreement.

It is further stipulated and agreed between the parties that the

1 period beginning June 14, 2005 to June 20, 2005, should be excluded in  
2 computing the time within which the trial of the above criminal  
3 prosecution must commence for purposes of the Speedy Trial Act for  
4 defense preparation. All parties stipulate and agree that this is an  
5 appropriate exclusion of time within the meaning of Title 18, United  
6 States Code, Section 3161(h)(8)(iv) (Local Code T4).

7  
8 Dated: June 13, 2005

9 Respectfully submitted,

10 QUIN DENVER  
11 Federal Defender

12 /s/LINDA HARTER  
13 LINDA HARTER  
14 Assistant Federal Defender  
15 Attorney for Defendant  
XAVIER RASHAWN HERNDON

16 MCGREGOR W. SCOTT  
17 United States Attorney

18 Dated: June 13, 2005\_\_

19 /s/WILLIAM WONG  
20 WILLIAM WONG  
21 Assistant U.S. Attorney

22 **ORDER**

23 **IT IS SO ORDERED.**

24 DATED: June 13, 2005

25 /s/ Frank C. Damrell Jr.  
26 HONORABLE FRANK C. DAMRELL JR.  
27 District Court Judge

28 Xavier Herndon/Stip and Proposed Order